

**EIGHTY-FOURTH GENERAL ASSEMBLY
2011 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

MARCH 16, 2011

HOUSE FILE 470

H-1300

1 Amend the amendment, H-1298, to House File 470 as
2 follows:
3 1. Page 1, by striking lines 2 and 3 and inserting:
4 <1. Page 2, by striking lines 26 and 27 and
5 inserting <Monday through Saturday.>>
By ALONS of Sioux

H-1300 FILED MARCH 15, 2011

HOUSE FILE 470

H-1303

1 Amend the amendment, H-1291, to House File 470 as
2 follows:
3 1. Page 1, line 35, by striking <may> and inserting
4 <shall>
By MASCHER of Johnson

H-1303 FILED MARCH 15, 2011

HOUSE FILE 560

H-1305

1 Amend House File 560 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. PREPAID METERING STUDY. The utilities
5 board of the utilities division of the department of
6 commerce shall conduct a study regarding the merits of
7 making the installation of a prepaid metering system
8 available to utility customers. The prepaid metering
9 system subject to the study would involve equipment
10 configured to terminate electric service immediately
11 and automatically when a utility customer has incurred
12 charges for electric service equal to the customer's
13 prepayments for such service. The board shall identify
14 and involve interested stakeholders in conducting
15 the study, which shall include but not be limited to
16 electric utility representatives, one or more consumer
17 advocacy agencies or organizations, and utility
18 customers. Aspects of the study shall include but not
19 be limited to whether automatic termination of service
20 should be considered a voluntary termination not
21 subject to disconnection requirements and restrictions,
22 customer education regarding the installation and use
23 of a prepaid metering system, and the potential for
24 inadvertent or unintentional termination based upon
25 an oversight on the part of a customer or a utility.
26 The board shall submit a report regarding the results
27 of the study to the general assembly by December 15,
28 2011.>
29 2. Title page, line 1, by striking <providing for>
30 and inserting <directing the Iowa utilities board to
31 conduct a study regarding>

By PAUSTIAN of Scott

H-1305 FILED MARCH 15, 2011

SENATE AMENDMENT TO
HOUSE FILE 184

H-1302

1 Amend House File 184, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 6 through 8 and
4 inserting <growth for the budget year beginning July 1,
5 2011, is two percent. The>
6 2. Page 1, by striking lines 23 and 24 and
7 inserting <year beginning July 1, 2011.>

RECEIVED FROM THE SENATE

H-1302 FILED MARCH 15, 2011

**SENATE AMENDMENT TO
HOUSE FILE 185**

H-1301

1 Amend House File 185, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 7 through 9 and
4 inserting <budget year beginning July 1, 2011, is two
5 percent. The state percent of growth for each>
6 2. Page 1, by striking lines 20 and 21 and
7 inserting <year beginning July 1, 2011.>

By RECEIVED FROM THE SENATE

H-1301 FILED MARCH 15, 2011

HOUSE FILE 392

H-1335

1 Amend House File 392 as follows:
2 1. Page 1, before line 22 by inserting:
3 <Sec. _____. Section 105.2, Code 2011, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 14A. "Permit worker" means a
6 person who is a nonresident of Iowa working in Iowa for
7 an Iowa-based employer and who is allowed to work in
8 the discipline for which the worker permit is issued
9 for a period of six months.>
10 2. Page 3, before line 30 by inserting:
11 <Sec. _____. Section 105.18, Code 2011, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 5. Worker permit. Permit
14 workers must be able to demonstrate at least four
15 years' experience in the appropriate discipline as
16 a prerequisite for obtaining a permit. Completion
17 of a United States department of labor approved
18 apprenticeship program is required to obtain a permit.
19 Permit workers must work under the direct supervision
20 of an Iowa journeyman or master license holder, not
21 to exceed three permit workers for each Iowa licensed
22 journeyman or master license holder. Upon expiration
23 of the six-month permit, a six-month waiting period
24 must be completed before application for another
25 permit may occur. Permit fees are fifty dollars for
26 each discipline. Application for permits of separate
27 disciplines must be made at the same time and may not
28 be staggered in such a manner as to allow the permit
29 holder to work under a single or combined discipline
30 permit for longer than six months. The board shall
31 establish an expedited process enabling permit
32 applicants to begin work immediately upon submittal of
33 the work permit application and fees. The board has
34 the authority to retroactively revoke permits issued
35 under this subsection upon discovery of inadequate
36 experience.>
37 3. By renumbering, redesignating, and correcting
38 internal references as necessary.

By T. TAYLOR of Linn

H-1335 FILED MARCH 15, 2011

HOUSE FILE 526

H-1313

1 Amend House File 526 as follows:

2 1. By striking page 1, line 10, through page 2,
3 line 4, and inserting:

4 <"Possess" or "possession" means having knowledge of
5 the presence and the nature of an object or substance
6 and exercising dominion and control over the object
7 or substance. "Possess" or "possession" may be either
8 actual or constructive.

9 1. A person has "actual possession" when an object
10 or substance is found on the person.

11 2. A person has "constructive possession" when the
12 person has knowledge of the presence of an object or
13 substance and has the authority or right to maintain
14 control over the object or substance.>

By WOLFE of Clinton

SWAIM of Davis

R. OLSON of Polk

H-1313 FILED MARCH 15, 2011

HOUSE FILE 537

H-1325

1 Amend the amendment, H-1232, to House File 537 as
2 follows:

3 1. Page 1, by striking lines 5 through 25 and
4 inserting:

5 <b. (1) A statement regarding the impact of the
6 fee structure on third-party payments, and whether
7 third-party payments and resources are accepted by the
8 assisted living program.

9 (2) The occupancy agreement shall specifically
10 include a statement regarding each of the following:

11 (a) Whether the program requires disclosure of a
12 tenant's personal financial information for occupancy
13 or continued occupancy.

14 (b) The program's policy regarding the continued
15 tenancy of a tenant following exhaustion of private
16 resources.

17 (c) Contact information for the department of human
18 services and the senior health insurance information
19 program to assist tenants in accessing third-party
20 payment sources.

21 (3) An assisted living program shall amend any
22 occupancy agreement entered into by a tenant prior
23 to July 1, 2011, or shall execute a memorandum
24 of understanding with such tenant as an addendum
25 to such agreement, to reflect the requirements of
26 this paragraph "b" and shall obtain the signature
27 of the tenant or the tenant's legal representative
28 acknowledging the amendment or memorandum of
29 understanding addendum to the occupancy agreement no
30 later than August 31, 2011.>

By ISENHART of Dubuque

H-1325 FILED MARCH 15, 2011

HOUSE FILE 549

H-1337

1 Amend House File 549 as follows:

2 1. Page 2, by striking line 35 and inserting <the
3 amount of the fine established in section 805.8A for an
4 equivalent violation charged as a scheduled violation.>

5 2. By renumbering as necessary.

By WINDSCHITL of Harrison

H-1337 FILED MARCH 15, 2011

HOUSE FILE 549

H-1364

1 Amend House File 549 as follows:

2 1. Page 3, after line 17 by inserting:

3 <Sec. _____. Section 364.3, subsection 2, Code 2011,
4 is amended to read as follows:

5 2. For a violation of an ordinance a city shall
6 not provide a penalty in excess of the maximum fine
7 and term of imprisonment for a simple misdemeanor
8 under section 903.1, subsection 1, paragraph "a". ~~An~~

9 Except as otherwise provided in this subsection, an
10 amount equal to ten percent of all fines collected by
11 cities shall be deposited in the account established in
12 section 602.8108. However, one

13 a. One hundred percent of all fines collected by a
14 city pursuant to section 321.236, subsection 1, shall
15 be retained by the city.

16 b. One hundred percent of the fines collected from
17 the use of an automated traffic enforcement system
18 shall be deposited in the city's automated traffic
19 enforcement program account established pursuant to
20 section 384.3B.

21 c. The criminal penalty surcharge required by
22 section 911.1 shall be added to a city fine and is not
23 a part of the city's penalty.

24 Sec. _____. NEW SECTION. 384.3B Automated traffic
25 enforcement program account.

26 1. A city that uses an automated traffic
27 enforcement system shall establish an automated traffic
28 enforcement program account within the city's general
29 fund. Interest earned on revenues deposited in the
30 account pursuant to section 364.3, subsection 2, shall
31 remain in the account and be used for the purposes
32 specified in this section. Moneys in the account are
33 not subject to transfer to any other accounts in the
34 city's general fund or to any other funds established
35 by a city unless such transfer is for a purpose
36 specified in this section.

37 2. Moneys in the account shall be used first to pay
38 the costs of operating the city's automated traffic
39 enforcement program.

40 3. Moneys in the account in excess of the amount
41 necessary for the purpose specified in subsection 2
42 shall be deposited in the city's street construction
43 fund.>

44 2. By renumbering as necessary.

By WINDSCHITL of Harrison

H-1364 FILED MARCH 15, 2011

HOUSE FILE 561

H-1332

1 Amend House File 561 as follows:
2 1. Page 8, after line 33 by inserting:
3 <3A. Prior to filing an application pursuant to
4 section 476A.3 to build a nuclear generating facility
5 including but not limited to small modular reactor
6 technology, or seeking authority pursuant to a combined
7 construction and operating license or an early site
8 permit from the United States nuclear regulatory
9 commission, a utility shall conduct an assessment for
10 the twenty-year period subsequent to its anticipated
11 filing date relating to the following:
12 a. Projected energy demand.
13 b. Energy efficiency and conservation trends,
14 practices, and requirements.
15 c. Industrial cogeneration of electricity.
16 d. Renewable energy trends, practices, and
17 requirements.
18 e. Transmission improvements.
19 f. Options for meeting the projected demand through
20 means other than energy efficiency.
21 g. Projected environmental impacts including
22 greenhouse gas emissions.
23 h. Projected grid reliability.
24 i. Projected energy costs.
25 j. Projected energy supply payments to citizens of
26 this state.
27 k. Projected energy-related employment outlook and
28 impact.>

By LENSING of Johnson

H-1332 FILED MARCH 15, 2011

HOUSE FILE 561

H-1345

1 Amend House File 561 as follows:
2 1. Page 2, line 11, after <permit> by inserting
3 <and public health and safety>

By MASCHER of Johnson

H-1345 FILED MARCH 15, 2011

HOUSE FILE 561

H-1346

1 Amend House File 561 as follows:
2 1. Page 2, line 4, by striking <safe, reliable, and
3 secure>

By MASCHER of Johnson

H-1346 FILED MARCH 15, 2011

HOUSE FILE 561

H-1349

- 1 Amend House File 561 as follows:
- 2 1. Page 2, line 2, after <the> by inserting <safe
- 3 and>

By WINCKLER of Scott

H-1349 FILED MARCH 15, 2011

HOUSE FILE 561

H-1352

- 1 Amend House File 561 as follows:
 - 2 1. Page 2, lines 6 and 7, by striking <,
 - 3 substantial economic development benefits,>
- By** WESSEL-KROESCHELL of Story

H-1352 FILED MARCH 15, 2011

HOUSE FILE 561

H-1353

- 1 Amend House File 561 as follows:
 - 2 1. Page 2, line 8, by striking <significantly>
- By** WESSEL-KROESCHELL of Story

H-1353 FILED MARCH 15, 2011

HOUSE FILE 561

H-1354

- 1 Amend House File 561 as follows:
- 2 1. Page 2, line 20, after <licensing,> by inserting
- 3 <operation that has not endangered the public or
- 4 environment,>

By LENSING of Johnson

H-1354 FILED MARCH 15, 2011

HOUSE FILE 561

H-1355

- 1 Amend House File 561 as follows:
- 2 1. Page 2, line 5, after <States> by inserting <and
- 3 worldwide>

By LENSING of Johnson

H-1355 FILED MARCH 15, 2011

HOUSE FILE 561

H-1356

1 Amend House File 561 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 6A.1, Code 2011, is amended to
4 read as follows:
5 6A.1 Exercise of power by state.
6 1. Proceedings may be instituted and maintained by
7 the state of Iowa, or for the use and benefit thereof,
8 for the condemnation of such private property as may be
9 necessary for any public improvement which the general
10 assembly has authorized to be undertaken by the state,
11 and for which an available appropriation has been made.
12 The executive council shall institute and maintain such
13 proceedings in case authority to so do be not otherwise
14 delegated.
15 2. Notwithstanding any other provision of law to
16 the contrary, the condemnation authority granted in
17 this section shall not extend to the construction of
18 a nuclear power generation facility and appurtenant
19 structures or a small modular reactor generation
20 facility and appurtenant structures.>
21 2. By renumbering as necessary.

By HUNTER of Polk

H-1356 FILED MARCH 15, 2011

HOUSE FILE 561

H-1357

1 Amend House File 561 as follows:
2 1. Page 1, by striking lines 30 through 35 and
3 inserting:
4 <b. The general assembly's intent with regard to
5 the reliability of electric service to Iowa consumers,
6 as provided in this subsection ~~4~~, shall be implemented
7 by considering the diversity of the types of fuel used
8 or with potential to be used to generate electricity,
9 the availability and reliability of fuel supplies,
10 the sufficiency of demand-reduction strategies and
11 programs, and the impact of the volatility of fuel
12 costs.>
13 2. Page 8, line 2, after <facility.> by inserting
14 <Such a case shall demonstrate that the need for
15 additional baseload generating capacity justifying the
16 application cannot be achieved in whole or in part
17 through any combination of demand reduction strategies,
18 or any combination of demand reduction strategies and
19 alternative generating options.>

By ISENHART of Dubuque

H-1357 FILED MARCH 15, 2011

HOUSE FILE 561

H-1358

1 Amend House File 561 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NUCLEAR POWER EXPANSION INTERIM STUDY
5 COMMITTEE.

6 1. The legislative council is requested to
7 establish an interim study committee to review the
8 results of any analyses undertaken by a rate-regulated
9 public utility that was subject to a revenue-sharing
10 settlement agreement with regard to its electric base
11 rates as of January 1, 2010, regarding the possible
12 construction of nuclear generating facilities in this
13 state as provided in section 476.6, subsection 2.

14 2. The study committee shall be composed of ten
15 members of the general assembly. Five members shall be
16 members of the senate, three of whom shall be appointed
17 by the majority leader of the senate, and two of
18 whom shall be appointed by the minority leader of the
19 senate. Five members shall be members of the house of
20 representatives, three of whom shall be appointed by
21 the speaker of the house of representatives, and two of
22 whom shall be appointed by the minority leader of the
23 house of representatives.

24 3. The study committee shall issue a report to
25 the general assembly containing its findings and
26 recommendations by January 15, 2012.>

27 2. Title page, by striking lines 1 and 2 and
28 inserting <An Act requesting the formation of an
29 interim study committee to review the results of
30 specified analyses regarding the possible construction
31 of nuclear generating facilities in this state.>

32 3. By renumbering as necessary.

By ISENHART of Dubuque

H-1358 FILED MARCH 15, 2011

HOUSE FILE 561

H-1359

1 Amend House File 561 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 476.6, subsection 16, paragraph
4 g, Code 2011, is amended to read as follows:
5 g. A gas or electric utility required to be
6 rate-regulated under this chapter may recover, through
7 an automatic adjustment mechanism filed pursuant to
8 subsection 8, over a period not to exceed the term of
9 the plan, a return on and return of the costs of an
10 energy efficiency plan approved by the board, including
11 amounts for a plan approved prior to July 1, 1996,
12 in a contested case proceeding conducted pursuant
13 to paragraph "e". A return on such costs shall be
14 allowed only to the extent that such costs can be
15 documented to have resulted in energy demand reduction
16 by specific customers. The board shall periodically
17 conduct a contested case proceeding to evaluate
18 the reasonableness and prudence of the utility's
19 implementation of an approved energy efficiency plan
20 and budget. If a utility is not taking all reasonable
21 actions to cost-effectively implement an approved
22 energy efficiency plan, the board shall not allow the
23 utility to recover from customers costs in excess of
24 those costs that would be incurred under reasonable and
25 prudent implementation and shall not allow the utility
26 to recover future costs at a level other than what the
27 board determines to be reasonable and prudent. If the
28 result of a contested case proceeding is a judgment
29 against a utility, that utility's future level of
30 cost recovery shall be reduced by the amount by which
31 the programs were found to be imprudently conducted.
32 The utility shall not represent energy efficiency in
33 customer billings as a separate cost or expense unless
34 the board otherwise approves.>
35 2. By renumbering as necessary.

By ISENHART of Dubuque

H-1359 FILED MARCH 15, 2011

HOUSE FILE 561

H-1361

1 Amend House File 561 as follows:
2 1. Page 8, by striking lines 24 through 33.
By HUNTER of Polk

H-1361 FILED MARCH 15, 2011

HOUSE FILE 563

H-1323

1 Amend House File 563 as follows:
2 1. Page 2, by striking lines 32 and 33 and
3 inserting <basis, unless the attorney general
4 determines that the procurement process is not feasible
5 under the circumstances and sets>
6 2. Page 2, by striking line 35 and inserting:
7 <3. a. Except as provided in paragraph "c", the
8 state shall not enter into a contingency fee>
9 3. Page 3, by striking lines 23 and 24 and
10 inserting <executive council of the aggregate
11 contingency fee limits in paragraphs "a" and "b" if the
12 attorney general provides a thirty-day>
13 4. Page 4, line 11, by striking <attend> and
14 inserting <participate in>
15 5. By renumbering as necessary.

By HAGENOW of Polk

H-1323 FILED MARCH 15, 2011

HOUSE FILE 569

H-1343

1 Amend House File 569 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 39.3, subsection 7, Code 2011,
4 is amended to read as follows:
5 7. "General election" means the biennial election
6 for national or state officers, members of Congress and
7 of the general assembly, county and township officers,
8 and for the choice of other officers or the decision
9 of questions as provided by law and, where applicable,
10 includes the regular city election described in section
11 376.1.>
12 2. Page 1, by striking line 10 and inserting
13 <forty days after the vacancy occurs general election
14 of a city, described in section 376.1 as the regular
15 city election,>
16 3. By renumbering as necessary.

By J. SMITH of Dickinson

H-1343 FILED MARCH 15, 2011

HOUSE FILE 569

H-1344

1 Amend House File 569 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 43.24, subsection 1, paragraph
4 b, Code 2011, is amended by adding the following new
5 subparagraph:

6 NEW SUBPARAGRAPH. (2A) Objections to nominations
7 to fill vacancies in the office of representative in
8 Congress at a special election held under section 69.14
9 shall be filed with the state commissioner not less
10 than sixty days prior to the date set for the special
11 election.

12 Sec. _____. Section 43.24, subsection 1, paragraph
13 b, subparagraph (3), Code 2011, is amended to read as
14 follows:

15 (3) Objections to nominations to fill vacancies in
16 the general assembly at a special election held under
17 section 69.14, under which the forty-day notice of
18 election provision applies, shall be filed with the
19 state commissioner not less than fifteen days prior
20 to the date set for the special election. If the
21 forty-day notice provision does not apply, objections
22 to nominations to fill vacancies at a special election
23 held under section 69.14 may be filed any time prior to
24 the date set for the special election.

25 Sec. _____. Section 43.24, subsection 2, paragraph b,
26 Code 2011, is amended to read as follows:

27 b. If an objection is filed to a nomination to fill
28 a vacancy in the general assembly at a special election
29 held under section 69.14, under which the forty-day
30 notice of election provision of section 69.14 does
31 not apply, notice of the objection shall be made to
32 the candidate by the state commissioner as soon as
33 practicable. Under this paragraph, failure to notify a
34 candidate of an objection to the candidate's nomination
35 prior to the date set for the special election does not
36 invalidate the hearing conducted under subsection 3.
37 The hearing to an objection shall proceed as quickly as
38 possible to expedite the special election.

39 Sec. _____. Section 43.88, Code 2011, is amended to
40 read as follows:

41 43.88 Certification of nominations.

42 1. Nominations made by state, district, and county
43 conventions, shall, under the name, place of residence,
44 and post office address of the nominee, and the office
45 to which nominated, and the name of the political party
46 making the nomination, be forthwith certified to the
47 proper officer by the chairperson and secretary of
48 the convention, or by the committee, as the case may
49 be, and if such certificate is received in time, the
50 names of such nominees shall be printed on the official

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1 ballot the same as if the nomination had been made in
2 the primary election.

3 2. Nominations made to fill vacancies in the office
4 of representative in Congress at a special election
5 shall be certified to the state commissioner not less
6 than sixty-two days prior to the date set for the
7 special election. Nominations made to fill vacancies
8 in other offices to which this chapter applies at a
9 special election shall be certified to the proper
10 official not less than twenty-five days prior to the
11 date set for the special election. In the event the
12 special election is to fill a vacancy in the general
13 assembly while it is in session or within forty-five
14 days of the convening of any session, the nomination
15 shall be certified not less than fourteen days before
16 the date of the special election.

17 3. Nominations certified to the proper official
18 under this section shall be accompanied by an affidavit
19 executed by the nominee in substantially the form
20 required by section 43.67.

21 Sec. _____. Section 44.4, subsection 1, Code 2011, is
22 amended to read as follows:

23 1. Nominations made pursuant to this chapter and
24 chapter 45 which are required to be filed in the office
25 of the state commissioner shall be filed in that office
26 not more than ninety-nine days nor later than 5:00 p.m.
27 on the eighty-first day before the date of the general
28 election to be held in November. Nominations made for
29 a special election called pursuant to section 69.14 to
30 fill vacancies in the general assembly shall be filed
31 by 5:00 p.m. not less than twenty-five days before
32 the date of an election called upon at least forty
33 days' notice and not less than fourteen days before
34 the date of an election called upon at least eighteen
35 days' notice. Nominations made to fill vacancies in
36 the office of representative in Congress at a special
37 election shall be certified to the state commissioner
38 not less than sixty-two days prior to the date set
39 for the special election. Nominations made for a
40 special election called pursuant to section 69.14A
41 shall be filed by 5:00 p.m. not less than twenty-five
42 days before the date of the election. Nominations
43 made pursuant to this chapter and chapter 45 which are
44 required to be filed in the office of the commissioner
45 shall be filed in that office not more than ninety-two
46 days nor later than 5:00 p.m. on the sixty-ninth day
47 before the date of the general election. Nominations
48 made pursuant to this chapter or chapter 45 for city
49 office shall be filed not more than seventy-two days
50 nor later than 5:00 p.m. on the forty-seventh day

1 before the city election with the city clerk, who shall
2 process them as provided by law.

3 Sec. _____. Section 44.4, subsection 2, paragraph
4 a, Code 2011, is amended by adding the following new
5 subparagraphs:

6 NEW SUBPARAGRAPH. (2A) Objections to nominations
7 to fill vacancies in the office of representative in
8 Congress at a special election held under section 69.14
9 shall be filed with the state commissioner not less
10 than sixty days prior to the date set for the special
11 election.

12 NEW SUBPARAGRAPH. (2B) Objections to nominations
13 to fill vacancies in the general assembly at a special
14 election held under section 69.14, under which the
15 forty-day notice of election provision applies, shall
16 be filed with the state commissioner not less than
17 fifteen days prior to the date set for the special
18 election. If the forty-day notice provision does not
19 apply, objections to nominations to fill vacancies at
20 a special election held under section 69.14 may be
21 filed any time prior to the date set for the special
22 election.

23 Sec. _____. Section 69.14, Code 2011, is amended to
24 read as follows:

25 69.14 Special election to fill vacancies.

26 A special election to fill a vacancy shall be
27 held for a representative in Congress, or senator or
28 representative in the general assembly, when the body
29 in which such vacancy exists is in session, or will
30 convene prior to the next general election, ~~and the~~
31 The governor shall order, not later than five days from
32 the date the vacancy exists, a special election, giving
33 not less than seventy-six days' notice of such election
34 to fill a vacancy in the office of representative in
35 Congress or forty days' notice of such election to fill
36 a vacancy in the office of senator or representative
37 in the general assembly. In the event the special
38 election is to fill a vacancy in the general assembly
39 while it is in session or within forty-five days of
40 the convening of any session, the time limit provided
41 in this section shall not apply and the governor shall
42 order such special election at the earliest practical
43 time, giving at least eighteen days' notice of the
44 special election. Any special election called under
45 this section must be held on a Tuesday and shall not be
46 held on the same day as a school election within the
47 district.>

48 2. Title page, line 1, after <vacancies> by
49 inserting <in the office of representative in Congress
50 and>

H-1344

Page 4

1 3. By renumbering as necessary.

By J. SMITH of Dickinson

H-1344 FILED MARCH 15, 2011

HOUSE FILE 574

H-1324

1 Amend House File 574 as follows:

2 1. Page 1, after line 35 by inserting:

3 <Sec. _____. Section 29A.43, subsection 3, Code 2011,
4 is amended to read as follows:

5 3. A person violating a provision of this section
6 is guilty of a simple misdemeanor. Violations of
7 this section shall be prosecuted by the attorney
8 general or the county attorney of the county in which
9 the violation occurs. A person claiming a violation
10 of this section shall provide written notice within
11 sixty days of any such violation to the office of the
12 attorney general or the office of the county attorney
13 of the county in which the violation occurs.>

14 2. By renumbering as necessary.

By HANUSA of Pottawattamie

H-1324 FILED MARCH 15, 2011

HOUSE FILE 583

H-1329

1 Amend House File 583 as follows:

2 1. Page 1, by striking lines 17 and 18 and

3 inserting <the evangelical lutheran education
4 association of the evangelical lutheran church in
5 America.>

By WILLEMS of Linn

H-1329 FILED MARCH 15, 2011

HOUSE FILE 583

H-1331

1 Amend House File 583 as follows:

2 1. Page 1, by striking lines 5 and 6 and inserting
3 <approved independent accrediting agency instead of
4 by the department, as provided in this section. The
5 department shall>

6 2. Page 1, line 25, by striking <state board> and
7 inserting <department>

8 3. Page 1, line 26, by striking <the department's>
9 and inserting <its>

10 4. Page 1, line 31, by striking <state board's> and
11 inserting <department's>

12 5. Page 2, line 2, by striking <state board> and
13 inserting <department>

By MASCHER of Johnson

H-1331 FILED MARCH 15, 2011

HOUSE FILE 583

H-1338

1 Amend House File 583 as follows:
2 1. Page 1, line 24, after <facilities.> by
3 inserting <A nonpublic school that is accredited solely
4 by an independent accrediting agency in accordance
5 with this subsection, and the parents or guardians
6 of students enrolled in the nonpublic school who are
7 not enrolled in a school district for dual enrollment
8 purposes, are ineligible for state moneys or services
9 provided for under statute, including but not limited
10 to state moneys or services provided for under chapters
11 273, 285, and 301; however, students enrolled in
12 such a nonpublic school are eligible for services
13 in accordance with chapter 256B and section 256.12,
14 subsection 2. A nonpublic school accredited solely by
15 an independent accrediting agency in accordance with
16 this subsection is not a school tuition organization
17 for purposes of section 422.11S or 422.33.>

By STECKMAN of Cerro Gordo

H-1338 FILED MARCH 15, 2011

HOUSE FILE 583

H-1341

1 Amend House File 583 as follows:
2 1. Page 1, line 6, after <shall> by inserting
3 <adopt by rule the criteria for inclusion on a list
4 of approved independent accrediting agencies. The
5 department shall>

By GAINES of Polk

H-1341 FILED MARCH 15, 2011

HOUSE FILE 583

H-1342

1 Amend House File 583 as follows:
2 1. Page 1, line 16, by striking <and>
3 2. Page 1, line 18, after <synod> by inserting <,
4 and any other religious and independent accreditation
5 entity>

By ABDUL-SAMAD of Polk

H-1342 FILED MARCH 15, 2011

HOUSE FILE 583

H-1347

1 Amend House File 583 as follows:

2 1. Page 1, by striking line 22 and inserting <meet
3 the education standards of this section, and shall
4 employ as a practitioner only a person licensed under
5 chapter 272 with an endorsement for the type of service
6 for which the person is employed.>

7 2. Page 1, line 23, by striking <However, such> and
8 inserting <Such>

9 3. Page 1, line 24, after <facilities> by inserting
10 <, including but not limited to the standards adopted
11 by the state fire marshal for school buildings
12 under chapter 100, safety device requirements under
13 sections 280.10 and 280.11, and school transportation
14 requirements under chapter 285>

By WINCKLER of Scott

H-1347 FILED MARCH 15, 2011

HOUSE FILE 583

H-1360

1 Amend House File 583 as follows:

2 1. Page 1, after line 24 by inserting:

3 <____. The parent or guardian of a student
4 enrolled in a nonpublic school that participates in
5 the accreditation process offered by an independent
6 accrediting agency on the approved list published
7 pursuant to paragraph "a" shall sign a statement
8 acknowledging that the nonpublic school is not
9 accredited by the department, and the nonpublic school
10 shall include the signed statement in the student's
11 cumulative records.>

12 2. By renumbering as necessary.

By MASCHER of Johnson

H-1360 FILED MARCH 15, 2011

HOUSE FILE 583

H-1362

1 Amend House File 583 as follows:

2 1. Page 1, after line 24 by inserting:

3 <____. A student or the parent or guardian of
4 a student enrolled in a nonpublic school that
5 participates in the accreditation process offered by
6 an independent accrediting agency on the approved list
7 published pursuant to paragraph "a" who is aggrieved by
8 a decision or order of the authorities in charge of the
9 nonpublic school may file a complaint with the state
10 board in the manner provided for in chapter 290 as if
11 the nonpublic school is a school corporation.>

12 2. By renumbering as necessary.

By WILLEMS of Linn

H-1362 FILED MARCH 15, 2011

HOUSE FILE 583

H-1363

1 Amend House File 583 as follows:
2 1. Page 1, after line 24 by inserting:
3 <____. A student or the parent or guardian of
4 a student enrolled in a nonpublic school that
5 participates in the accreditation process offered by
6 an independent accrediting agency on the approved list
7 published pursuant to paragraph "a" who is aggrieved by
8 a decision or order of the authorities in charge of the
9 nonpublic school may file a complaint with the state
10 board in the manner provided for in chapter 290 as if
11 the nonpublic school is a school corporation. The
12 nonpublic school shall not take adverse action against
13 the student or the parent or guardian of a student who
14 files a complaint with the state board pursuant to this
15 lettered paragraph.>
16 2. By renumbering as necessary.

By WILLEMS of Linn

H-1363 FILED MARCH 15, 2011

HOUSE FILE 584

H-1308

1 Amend House File 584 as follows:
2 1. Page 1, line 28, by striking <year;> and
3 inserting <two years;>
4 2. By renumbering as necessary.

By HANSON of Jefferson

H-1308 FILED MARCH 15, 2011

HOUSE FILE 584

H-1309

1 Amend House File 584 as follows:
2 1. Page 1, after line 19 by inserting:
3 0b. <"Clear driving record" means the individual
4 has not been identified as a candidate for suspension
5 or revocation of a driver's license under the habitual
6 violator or habitual offender provisions of the
7 department's regulations; is not subject to driver's
8 license suspension, revocation, denial, cancellation,
9 disqualification, or bar; and has no record of a
10 conviction for a moving traffic violation determined to
11 be the cause of a motor vehicle accident.>
12 2. By striking page 1, line 32, through page 2,
13 line 4, and inserting <years.>
14 3. Page 2, by striking lines 9 through 11 and
15 inserting:
16 <(2) Twenty hours of street or highway driving,
17 including four hours of driving after sunset and
18 before sunrise, while accompanied by the teaching
19 parent, and an additional twenty hours of street or
20 highway driving while accompanied by another person
21 at least twenty-five years of age who has a valid
22 driver's license, other than a motorized bicycle
23 license or a temporary restricted license, that permits
24 unaccompanied driving, who has maintained a clear
25 driving record for the previous two years, and who has
26 written permission from the teaching parent.>
27 4. Page 3, by striking line 14 and inserting
28 <student's name and initials and the name and initials
29 of the teaching parent or other person who accompanied
30 the student in accordance with subsection 3, paragraph
31 "a", subparagraph (2), noted>
32 5. By renumbering as necessary.

By HANSON of Jefferson

H-1309 FILED MARCH 15, 2011

HOUSE FILE 584

H-1314

1 Amend House File 584 as follows:
2 1. Page 2, line 32, after <by> by inserting
3 <notarized>
4 2. By renumbering as necessary.

By ABDUL-SAMAD of Polk

H-1314 FILED MARCH 15, 2011

HOUSE FILE 584

H-1317

1 Amend House File 584 as follows:

- 2 1. Page 3, line 18, by striking <Any student> and
3 inserting <A student who possesses an instruction
4 permit issued under section 321.180B, subsection 1, or
5 a comparable instruction permit issued by another state
6 for a minimum of twelve months immediately preceding
7 application for an intermediate license and>
8 2. By renumbering as necessary.

By MASCHER of Johnson

H-1317 FILED MARCH 15, 2011

HOUSE FILE 584

H-1336

1 Amend House File 584 as follows:

- 2 1. Page 2, line 23, by striking <materials,> and
3 inserting <materials and>
4 2. Page 2, lines 24 and 25, by striking
5 <requirements, and extra vehicle safety equipment> and
6 inserting <requirements>
7 3. Page 2, after line 27 by inserting:
8 <c. The street or highway driving instruction
9 required under paragraph "a", subparagraph (2), shall
10 be conducted in a motor vehicle equipped with an
11 inside rearview mirror and an outside rearview mirror
12 mounted on each side of the vehicle for the use of the
13 driver, as well as an instructor's rearview mirror
14 which allows the driving instructor to see what is
15 happening behind the vehicle and an instructor's eye
16 check mirror which allows the driving instructor to
17 see at a glance where the student's eyes are focused.
18 The motor vehicle shall also be equipped with a dual
19 control, passenger-side brake pedal for use by the
20 driving instructor.>
21 4. By renumbering as necessary.

By STECKMAN of Cerro Gordo

H-1336 FILED MARCH 15, 2011

HOUSE FILE 584

H-1340

1 Amend House File 584 as follows:

- 2 1. Page 2, line 20, by striking <bicycles and
3 motorcycles.> and inserting <bicycles, motorcycles,
4 implements of husbandry, horse-drawn vehicles, and
5 other slow moving vehicles.>
6 2. By renumbering as necessary.

By GAINES of Polk

H-1340 FILED MARCH 15, 2011

HOUSE FILE 584

H-1350

1 Amend House File 584 as follows:

2 1. Page 2, after line 27 by inserting:

3 <c. Every motor vehicle used to conduct street
4 or highway driving required under paragraph "a",
5 subparagraph (2), shall be equipped with signs
6 reading "student driver", visible from all sides of
7 the vehicle, to notify other drivers that there is a
8 student driver operating the vehicle.>

9 2. By renumbering as necessary.

By KELLEY of Jasper

H-1350 FILED MARCH 15, 2011

HOUSE FILE 584

H-1351

1 Amend House File 584 as follows:

2 1. Page 1, by striking lines 10 through 19 and
3 inserting <identified by the curriculum committee as
4 provided in subsection 3, paragraph "c", to be taught
5 by a teaching parent.>

6 2. Page 1, line 30, by striking <and>

7 3. Page 1, line 32, by striking <years.> and
8 inserting <years; and who has successfully completed a
9 training course for parents approved by the curriculum
10 committee pursuant to subsection 3, paragraph "c".>

11 4. Page 2, after line 27 by inserting:

12 <c. (1) A curriculum committee is created
13 consisting of the director of transportation or the
14 director's designee, the director of the department of
15 education or the director's designee, and the president
16 of the Iowa association of safety education or the
17 president's designee. The committee shall elect a
18 chair from among its members and shall adopt rules of
19 procedure. A majority of the members constitutes a
20 quorum. The committee shall meet at the call of the
21 chairperson, but no less frequently than every five
22 years. Meetings of the committee shall be subject to
23 the provisions for open meetings under chapter 21.

24 (2) The committee shall identify one or more
25 recommended curricula comprising an approved course to
26 be administered by a teaching parent. In addition,
27 the committee shall identify curricula for a training
28 course for parents. The committee may annually approve
29 changes to the curricula. The committee shall approve
30 a standard curriculum list for each course at least
31 once every five years.

32 (3) An approved course shall, at a minimum,
33 meet the requirements of paragraphs "a" and "b" and
34 be appropriate for teaching-parent-directed driver
35 education and related street or highway instruction.
36 The list of approved courses to be administered by a
37 teaching parent and the list of training courses for
38 parents shall be posted on the department's internet
39 site.>

40 5. By renumbering as necessary.

By HANSON of Jefferson

H-1351 FILED MARCH 15, 2011

HOUSE FILE 585

H-1306

1 Amend House File 585 as follows:

2 1. By striking page 3, line 29, through page 4,
3 line 3, and inserting:

4 <7. ~~An application submitted to the state board~~
5 ~~pursuant to subsection 2, paragraph "b", or subsection~~
6 ~~6 shall set forth the manner in which the charter~~
7 ~~school or innovation zone school will provide special~~
8 ~~instruction, in accordance with section 280.4, to~~
9 ~~students who are limited English proficient. The~~
10 ~~application shall set forth the manner in which the~~
11 ~~charter school or innovation zone school will comply~~
12 ~~with federal and state laws and regulations relating to~~
13 ~~the federal National School Lunch Act and the federal~~
14 ~~Child Nutrition Act of 1966, 42 U.S.C. { 1751-1785, and~~
15 ~~chapter 283A. The state board shall~~>

16 2. Page 4, line 4, after <those> by inserting
17 <innovation zone school>

18 3. Page 4, by striking lines 11 through 19.

19 4. Page 4, line 31, by striking <district,> and
20 inserting <district.>

21 5. Page 4, by striking lines 32 through 34.

22 6. Page 5, line 1, after <school.> by inserting
23 <A charter school may establish academic preparation
24 prerequisites designed to protect and promote the
25 quality and integrity of the charter school educational
26 program if the academic preparation prerequisites do
27 not impose an unlawful barrier to the admission of any
28 student.>

29 7. Page 5, after line 15 by inserting:

30 <Sec. _____. Section 256F.5, Code 2011, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 12A. The manner in which special
33 instruction, in accordance with section 280.4, will
34 be provided to students who are limited English
35 proficient, and the manner in which the charter school
36 or innovation zone school will comply with federal and
37 state laws and regulations relating to the federal
38 National School Lunch Act and the federal Child
39 Nutrition Act of 1966, 42 U.S.C. { 1751-1785, and
40 chapter 283A.>

41 8. Page 6, line 7, after <board> by inserting <,
42 advisory council,>

43 9. Page 6, by striking lines 9 and 10.

44 10. By renumbering as necessary.

By DOLECHECK of Ringgold

H-1306 FILED MARCH 15, 2011

HOUSE FILE 585

H-1334

- 1 Amend House File 585 as follows:
- 2 1. Page 1, by striking lines 7 through 31.
- 3 2. Page 2, line 35, by striking <through> and
- 4 inserting <, 6, 7, and>
- 5 3. Page 3, by striking lines 14 through 21.
- 6 4. Page 4, by striking line 5 and inserting
- 7 <specified in section 256F.1, subsection 3, and
- 8 sections 256F.4>
- 9 5. Page 5, lines 8 and 9, by striking <subsections
- 10 2 and 12, Code 2011, are> and inserting <subsection 2,
- 11 Code 2011, is>
- 12 6. Page 5, by striking lines 12 through 15.
- 13 7. By renumbering as necessary.

By WILLEMS of Linn
WINCKLER of Scott

H-1334 FILED MARCH 15, 2011

HOUSE FILE 588

H-1315

1 Amend House File 588 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 256.9, Code 2011, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 62. Provide that a background
6 investigation be conducted by the division of criminal
7 investigation of the department of public safety on
8 a person responsible for or providing independent
9 private instruction in accordance with section 299A.1,
10 subsection 2. The director shall require such persons
11 to submit a completed fingerprint packet and shall
12 use the packet to facilitate a national criminal
13 history background check. If the results of the
14 background investigation determine that the subject
15 of the investigation has been convicted of a felony
16 offense, instruction provided by or instruction for
17 which the person is responsible shall not be considered
18 independent private instruction for purposes of chapter
19 299 or chapter 299A.>

20 2. Page 2, line 32, by striking <2> and inserting
21 <3>

22 3. Page 4, by striking line 4 and inserting:

23 <2. The authority responsible for providing
24 independent private instruction and any primary
25 instruction providing independent private instruction
26 in accordance with this chapter shall submit a
27 completed fingerprint packet to the department of
28 education in accordance with section 256.9, subsection
29 62.

30 3. For purposes of this chapter, ~~"competent and~~
31 chapter 299:>

32 4. Page 5, line 23, by striking <2> and inserting
33 <3>

34 5. By renumbering as necessary.

By WILLEMS of Linn

H-1315 FILED MARCH 15, 2011

HOUSE FILE 588

H-1316

- 1 Amend House File 588 as follows:
- 2 1. Page 1, before line 1 by inserting:
- 3 <Section 1. Section 256.9, Code 2011, is amended by
- 4 adding the following new subsection:
- 5 NEW SUBSECTION. 62. Provide that a background
- 6 investigation be conducted by the division of criminal
- 7 investigation of the department of public safety on
- 8 a person responsible for or providing independent
- 9 private instruction in accordance with section 299A.1,
- 10 subsection 2. The director shall require such persons
- 11 to submit a completed fingerprint packet and shall use
- 12 the packet to facilitate a national criminal history
- 13 background check.>
- 14 2. Page 2, line 32, by striking <2> and inserting
- 15 <3>
- 16 3. Page 4, by striking line 4 and inserting:
- 17 <2. The authority responsible for providing
- 18 independent private instruction and any primary
- 19 instruction providing independent private instruction
- 20 in accordance with this chapter shall submit a
- 21 completed fingerprint packet to the department of
- 22 education in accordance with section 256.9, subsection
- 23 62.
- 24 3. For purposes of this chapter, ~~"competent and~~
- 25 chapter 299:>
- 26 4. Page 5, line 23, by striking <2> and inserting
- 27 <3>
- 28 5. By renumbering as necessary.

By MASCHER of Johnson

H-1316 FILED MARCH 15, 2011

HOUSE FILE 588

H-1322

- 1 Amend House File 588 as follows:
- 2 1. Page 4, line 23, by striking <and social> and
- 3 inserting <social>
- 4 2. Page 4, line 24, after <studies> by inserting
- 5 <, and twenty-first century learning skills which
- 6 include but are not limited to civic literacy, health
- 7 literacy, technology literacy, financial literacy, and
- 8 employability skills>
- 9 3. By renumbering as necessary.

By WINCKLER of Scott

H-1322 FILED MARCH 15, 2011

HOUSE FILE 588

H-1327

1 Amend House File 588 as follows:

2 1. Page 4, line 23, after <science,> by inserting
3 <cultural and ethnic studies,>

By ABDUL-SAMAD of Polk

H-1327 FILED MARCH 15, 2011

HOUSE FILE 588

H-1328

1 Amend House File 588 as follows:

2 1. Page 4, by striking line 17.

3 2. By renumbering as necessary.

By WILLEMS of Linn

H-1328 FILED MARCH 15, 2011

HOUSE FILE 588

H-1330

1 Amend House File 588 as follows:

2 1. Page 2, line 32, by striking <2> and inserting

3 <3>

4 2. Page 4, by striking line 4 and inserting:

5 <2. The parent or guardian of a student receiving

6 independent private instruction shall sign a statement

7 acknowledging that independent private instruction is

8 not accredited by any recognized state or national

9 accrediting agency, and the authority responsible for

10 the independent private instruction shall include the

11 signed statement in the student's cumulative records.

12 3. For purposes of this chapter, ~~"competent and~~

13 chapter 299:>

14 3. Page 5, line 23, by striking <2> and inserting

15 <3>

16 4. By renumbering as necessary.

By MASCHER of Johnson

H-1330 FILED MARCH 15, 2011

HOUSE FILE 588

H-1339

1 Amend House File 588 as follows:

2 1. Page 4, line 19, after <instruction.> by

3 inserting <However, the parent of a child receiving

4 independent private instruction shall be responsible

5 for the curriculum, instructional support, and

6 educational materials costs necessary to provide

7 independent private instruction to the child.>

8 2. By renumbering as necessary.

By GAINES of Polk

H-1339 FILED MARCH 15, 2011

HOUSE FILE 588

H-1348

- 1 Amend House File 588 as follows:
- 2 1. Page 4, after line 32 by inserting:
- 3 < () Is provided in a building that meets all
- 4 applicable federal, state, and local health and safety
- 5 requirements as if the building in which instruction
- 6 is provided is a school building, including but not
- 7 limited to the standards adopted by the state fire
- 8 marshal for school buildings under chapter 100.>
- 9 2. By renumbering as necessary.

By WINCKLER of Scott

H-1348 FILED MARCH 15, 2011

HOUSE FILE 589

H-1304

- 1 Amend House File 589 as follows:
- 2 1. Page 1, before line 1 by inserting:
- 3 <Section 1. Section 717.1, subsection 2, Code 2011,
- 4 is amended to read as follows:
- 5 2. "Livestock" means an animal belonging to the
- 6 bovine, caprine, ~~equine~~, ovine, or porcine species,
- 7 ostriches, rheas, emus; farm deer as defined in section
- 8 170.1; or poultry.>
- 9 2. By renumbering as necessary.

By PETERSEN of Polk

H-1304 FILED MARCH 15, 2011

HOUSE FILE 589

H-1318

- 1 Amend the amendment, H-1278, to House File 589 as
- 2 follows:
- 3 1. Page 1, after line 1 by inserting:
- 4 < . Page 4, after line 25 by inserting:
- 5 <() The record must be produced by a person who
- 6 is not part of the press which publishes news in a
- 7 print or electronic medium.>>
- 8 2. Page 1, after line 5 by inserting:
- 9 < . Page 8, after line 29 by inserting:
- 10 <() The record must be produced by a person who
- 11 is not part of the press which publishes news in a
- 12 print or electronic medium.>>
- 13 3. By renumbering as necessary.

By T. TAYLOR of Linn

H-1318 FILED MARCH 15, 2011

HOUSE FILE 589

H-1319

1 Amend the amendment, [H-1278](#), to [House File 589](#) as
2 follows:
3 1. Page 1, after line 1 by inserting:
4 <__. Page 4, after line 25 by inserting:
5 <() The record must be produced with an intent to
6 disrupt operations conducted at the animal facility.>>
7 2. Page 1, after line 5 by inserting:
8 <__. Page 8, after line 29 by inserting:
9 <() The record must be produced with an intent to
10 disrupt operations conducted at the crop operation.>>
11 3. By renumbering as necessary.

By T. TAYLOR of Linn

H-1319 FILED MARCH 15, 2011

HOUSE FILE 589

H-1320

1 Amend the amendment, [H-1292](#), to [House File 589](#) as
2 follows:
3 1. Page 4, after line 14 by inserting:
4 <() The record must be produced by a person who
5 is not part of the press which publishes news in a
6 print or electronic medium.>
7 2. Page 7, after line 44 by inserting:
8 <() The record must be produced by a person who
9 is not part of the press which publishes news in a
10 print or electronic medium.>
11 3. By renumbering as necessary.

By T. TAYLOR of Linn

H-1320 FILED MARCH 15, 2011

HOUSE FILE 589

H-1321

1 Amend the amendment, [H-1292](#), to [House File 589](#) as
2 follows:
3 1. Page 4, after line 14 by inserting:
4 <() The record must be produced with an intent to
5 disrupt operations conducted at the animal facility.>
6 2. Page 7, after line 44 by inserting:
7 <() The record must be produced with an intent to
8 disrupt operations conducted at the crop operation.>
9 3. By renumbering as necessary.

By T. TAYLOR of Linn

H-1321 FILED MARCH 15, 2011

HOUSE FILE 589

H-1326

1 Amend the amendment, H-1292, to House File 589 as
2 follows:

- 3 1. Page 2, by striking lines 16 through 22.
- 4 2. Page 4, by striking lines 6 through 18.
- 5 3. Page 4, line 26, by striking <remain at> and
6 inserting <remain on or in>
- 7 4. Page 7, by striking lines 37 through 47.
- 8 5. By renumbering as necessary.

By ISENHART of Dubuque

H-1326 FILED MARCH 15, 2011

HOUSE FILE 599

H-1307

1 Amend House File 599 as follows:

- 2 1. Page 1, line 29, by striking <or> and inserting
3 <, an accredited private institution as defined in
4 section 261.9, or an>
- 5 2. Page 1, line 31, after <college> by inserting <,
6 accredited private institution as defined in section
7 261.9,>
- 8 3. Page 2, line 5, by striking <college and each>
9 and inserting <college, accredited private institution
10 as defined in section 261.9, and>
- 11 4. Page 2, line 22, after <college> by inserting <,
12 accredited private institution as defined in section
13 261.9,>
- 14 5. Title page, line 3, after <colleges> by
15 inserting <, accredited private institutions,>

By JORGENSEN of Woodbury

H-1307 FILED MARCH 15, 2011

HOUSE FILE 607

H-1310

1 Amend House File 607 as follows:

- 2 1. Page 1, line 16, by striking <a class "A"
3 felony, and who was a child> and inserting <kidnapping
4 in the first degree in violation of section 710.2
5 or sexual abuse in the first degree in violation of
6 section 709.2, and who was>
- 7 2. Page 1, after line 29 by inserting:
8 <d. A person convicted of murder in the second
9 degree in violation of section 707.3 and who was also
10 convicted of either kidnapping in the first degree
11 in violation of section 710.2 or sexual abuse in the
12 first degree in violation of section 709.2, which
13 conviction arose out of the same set of facts as the
14 murder-in-the-second-degree conviction, shall not be
15 eligible for parole pursuant to this subsection.>

By GARRETT of Warren

H-1310 FILED MARCH 15, 2011

HOUSE FILE 607

H-1312

1 Amend House File 607 as follows:

2 1. Page 1, by striking lines 19 through 22 and
3 inserting <of twenty-five years.>

By WOLFE of Clinton

H-1312 FILED MARCH 15, 2011

HOUSE FILE 608

H-1311

1 Amend House File 608 as follows:

2 1. Page 1, by striking lines 20 through 22 and
3 inserting:

4 <department shall act appropriately to initiate
5 the action. The county attorney shall assist the
6 department ~~as provided under section 232.90, subsection~~
7 ~~2.>~~

8 2. Page 3, line 6, by striking <or> and inserting
9 <to>

By GARRETT of Warren

H-1311 FILED MARCH 15, 2011

HOUSE FILE 617

H-1299

1 Amend House File 617 as follows:

2 1. Page 4, after line 19 by inserting:

3 <Sec. _____. Section 123.56, Code 2011, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 6A. Notwithstanding any other
6 provision of this chapter, a class "A" native wine
7 permittee may obtain a class "C" liquor license if
8 the class "A" native wine permittee has a restaurant
9 located on the same premises as the native winery.>

10 2. By renumbering as necessary.

By IVERSON of Wright

H-1299 FILED MARCH 15, 2011

SENATE FILE 468

H-1333

1 Amend Senate File 468, as passed by the Senate, as
2 follows:

3 1. Page 1, line 9, by striking <grounds> and
4 inserting <property>

5 2. Page 1, line 13, by striking <grounds> and
6 inserting <property>

7 3. Title page, line 2, by striking <grounds> and
8 inserting <property>

By ABDUL-SAMAD of Polk

H-1333 FILED MARCH 15, 2011

Fiscal Note

Fiscal Services Division



HF 617 – Alcoholic Beverages Permits and Licenses (LSB 2700HV)

Analyst: Joseph Brandstatter (Phone: 515-281-8223) (joseph.brandstatter@legis.state.ia.us)

Fiscal Note Version – New

Description

House File 617 allows Class E liquor control licenses to be issued for premises where gasoline is sold, such as convenience stores. The Bill eliminates the requirement that convenience stores that sell gasoline have a separate walled-off room for liquor sales. The Bill also modifies fees currently applicable to Class E liquor control licensees, depending upon whether gasoline is sold on the licensed premises. If gasoline is sold on the premises, a variable fee will be applied based upon the population of the corporate limits within which the premises is located. If the premises is located outside the corporate city limits, the fee is equal to the fee charged in the nearest incorporated city. The Bill makes numerous other changes of a technical nature that have minimal fiscal impact to the State General Fund.

Background

Iowa Code Section 123.30 does not currently permit premises that sell gasoline to obtain a Class E liquor license, unless the liquor sales area is separate from the premises. Currently, there are 54 convenience stores that have obtained a Class E liquor control license by separating the liquor sales area from the rest of the store.

Assumptions

- Of the approximately 2,200 convenience stores in the State, 200 would obtain a Class E liquor control license.
- The average license fee for a convenience store holding a Class E liquor license will be \$4,300. The Alcoholic Beverages Division (ABD) will determine the fee charged to each applicant based on location and square footage of the licensed premises.
- Sales growth is estimated to be 10.0% per year per location. The analysis also assumes that not all sales are “new” but pulled from the 760 existing Class E liquor establishments.
- Each Class E liquor control license issued will generate \$10,300 of average net revenue to the State per location. A 10.0% increase is expected in FY 2013, increasing average net revenue per store to \$10,900.
- For delivery purchases the ABD will require the addition of 1.0 FTE transportation driver for every fifty convenience stores added. It is estimated that the ABD will add 4.0 FTE positions. Four small delivery trucks and other equipment will be purchased by the ABD.

Fiscal Impact

New Class E liquor licenses issued will generate \$800,000 in FY 2012 and subsequent fiscal years. Additional liquor sales for 200 additional licenses will generate approximately \$2.1 million in FY 2012 and \$2.2 million in FY 2013. Additional FTE positions and equipment cost to the ABD will be \$405,000 in FY 2012 and \$421,000 in FY 2013.

The net revenue to the General Fund is \$2.5 million in FY 2012 and \$2.6 million in FY 2013. The fiscal impact is shown on the following table:

Fiscal Impact of House File 617

(Dollars in millions)		
	FY 2012	FY 2013
General Fund Revenue		
Class E Licenses	\$ 0.8	\$ 0.8
Additional Sales	2.1	2.2
Total Revenue Impact	2.9	3.0
Expenses		
Personnel (4.0 FTE)	\$ 0.2	\$ 0.2
Equipment	0.2	0.2
Total	0.4	0.4
Net General Fund Impact	\$ 2.5	\$ 2.6

Sources

Alcoholic Beverages Division
Legislative Services Agency

/s/ Holly M. Lyons

March 15, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



HF 549 – Motor Vehicle Traffic Cameras (LSB 2254HV)

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Fiscal Note Version – New

Description

House File 549 addresses the use of Automated Traffic Enforcement (ATE) systems and establishes requirements and restrictions related to the use of ATE cameras on State and local roadways. The Bill authorizes the use of ATE cameras for the enforcement of traffic-control signals or for speed limits pursuant to municipal or county ordinances. Local authorities must post signs giving notice about the use of ATE systems and provide it so vehicles on approach will have notice. The Bill provides specifications of where the signs must be posted. In addition, the Bill specifies the process for notices or citations if violations occur. The Bill imposes a limit on the fine amounts that may be charged by a local authority and prohibits a local authority from adding administrative costs in addition to a fine. The fine established for a traffic-control device (red-light camera) is \$50. The limit for speeding violations follows the fines set in Code Section 805.8A for the equivalent scheduled violation and the established restrictions under Code Sections 331.302 and 364.3. These Code Sections specify that the local authority may not impose a fine in excess of \$625. The Bill requires local authorities using an ATE system to file an annual report with the Department of Public Safety.

Background

According to the National Conference of State Legislatures, more than 400 U.S. communities use red-light cameras and more than 40 communities use cameras to enforce speed laws. Currently, there are five cities in Iowa that have ATE systems in use. They are Clive, Council Bluffs, Davenport, Sioux City, and Cedar Rapids. The cities of Des Moines and Muscatine are pursuing the implementation of ATE systems as well. All five cities have ATE red-light cameras, and Cedar Rapids and Davenport also use ATE cameras for speed enforcement. Two private vendors provide services to the five cities for the cameras; they are Gatso, U.S.A. (headquartered in Beverly, Massachusetts) and Redflex Traffic Systems, Inc. (headquartered in Scottsdale, Arizona). In a response to a League of Cities survey, the cities indicated decreases in red-light crashes at intersections with ATE cameras, reduced crashes citywide, as well as reduced injuries resulting from crashes.

Revenues from the cameras are deposited in the general fund of each city. The private vendors, Gatso and Redflex, retain a portion of the revenues for providing the services and equipment for the cameras. The amounts depend on the specific contracts between the vendors and the cities.

The cities using ATE cameras indicated in the survey that revenues from the cameras are used for a variety of public safety improvements, such as portable radar detectors (that indicate speed level to the driver) placed near schools, additional staffing for police, fire and emergency response resources, traffic cones, and related items.

Current Situation - Statistics

According to the League of Cities survey of cities using ATE systems, the number of violations for 2010 was as follows:

- Cedar Rapids: 3,004 red light; 58,121 speeding
- Clive: 9,071 red light
- Council Bluffs: 21,781 red light
- Davenport: 8,972 red light; 29,707 speeding
- Sioux City: 13,484 red light

At the State level, for traffic sign or signal violations under Code Section 321.256, there is a \$100 fine in accordance with Code Section 805.8A(8). Fees associated with the red-light violations for cities using ATE systems are as follows:

- Cedar Rapids: \$100
- Clive: \$100
- Council Bluffs: \$107.25
- Davenport: \$65
- Sioux City: \$100

In 2010, the following reflects the estimated breakdown of revenues retained by the cities and by the vendors, based on the survey response:

- Clive: Approximately 40.0% was retained by the city and 60.0% went to the vendor.
- Davenport, Council Bluffs, and Cedar Rapids: Approximately 60.0% of the revenues were retained by the cities and 40.0% went to the vendors.
- Sioux City: Approximately 70.0% of the revenues were retained by the city and 30.0% went to the vendor.

Assumptions

- Cities will have the same number of red-light violations in 2011 as in 2010.
- Cities and vendors will retain revenues at the same percentages as before.
- All violations provide revenue from the fines levied without reduction for violations that may be appealed or dismissed.
- Revenue calculations are solely based on the number of violations and fee per violation and do not reflect any variations in earnings. This assumes that all violators pay the fines. In actuality, not all do pay. For example, in Council Bluffs, at least 6,000 violations (27.5%) occurred that were not paid.
- Calculations do not include criminal penalty surcharges (35.0% of the fine per Code Section 911.1) or civil court fees.

State Fiscal Impact

There is no fiscal impact to the State's General Fund or the Road Use Tax Fund.

Local Fiscal Impact

Local revenues in all five cities that have ATE systems will be affected by the restriction of fees for violations caught by red-light cameras. The Bill does not change how the cities may use the revenues, but does restrict the amount the local authority may charge for a violation to \$50.

If the cities have the same number of violations as in 2010, the following table shows the potential revenues and changes due to the legislation. It is unknown if the specifics of the contracts between the cities and the vendors might affect these decreases further.

City	Potential Violations	Potential Revenue Under		Potential Revenue Under Proposed	
		Current Fee	Current Fee	Fee of \$50	Differences
Cedar Rapids	3,004	\$ 100.00	\$ 300,400	\$ 150,200	\$ -150,200
Clive	9,071	100.00	907,100	453,550	-453,550
Council Bluffs	21,781	107.25	2,336,012	1,089,050	-1,246,962
Davenport	8,972	65.00	583,180	448,600	-134,580
Sioux City	13,484	100.00	1,348,400	674,200	-674,200

Based on potential revenues under the reduced fee, the following would be the distribution of revenue to cities and vendors at the same percentage distribution as was noted in the statistics above.

City	Potential Revenue At		Revenue to	
	Reduced Fee		City	Vendor
Cedar Rapids	\$ 150,200	\$ 90,120	\$ 60,080	
Clive	453,550	181,420	272,130	
Council Bluffs	1,089,050	653,430	435,620	
Davenport	448,600	269,160	179,440	
Sioux City	674,200	471,940	202,260	

As mentioned above, it is unknown if the contracts between cities and vendors contain language that could affect city revenue further or jeopardize the contracts. For example, if the contract required a minimum amount of revenue generated to be provided to the vendor, the city might retain less than what is being retained at the current percentage distribution.

The violations for speeding and any potential changes in those revenues cannot be estimated due to insufficient information.

Sources

League of Cities (Survey of Cities w/ATEs)
League of Cities Cityscape Newsletter
Department of Transportation
National Conference of State Legislatures

/s/ Holly M. Lyons

March 15, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.